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BARON FRED ALEXANDER D'OSTEN-SACKEN

JUNE 27, 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4709]

The Committee on the Judiciary, to which was referred the bill (H. R. 4709) for the relief of Baron Fred Alexander D'Osten-Sacken, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Baron Fred Alexander D'Osten-Sacken. The bill provides for an appropriate quota deduction and for the payment of the required visa fee and head tax.

STATEMENT OF FACTS

The beneficiary of the bill was born in Russia on March 25, 1886, and is stateless at the present time. He last entered the United States as a visitor on August 30, 1948. He is a trainer of international repute of thoroughbred horses and is presently engaged in such work in Kentucky.

A letter dated February 11, 1952, to the chairman of the Committee on the Judiciary of the House of Representatives from the Deputy Attorney General with reference to the case reads as follows:

FEBRUARY 11, 1952.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 4709) for the relief of Baron Fred Alexander D'Osten-Sacken, an alien. The bill would grant him permanent residence in the United States.

The files of the Immigration and Naturalization Service of this Department disclose that Mr. D'Osten-Sacken, a native of Russia who claims to be stateless, was born on March 25, 1886. He last was admitted to the United States at the port of San Antonio, Tex., on August 30, 1948, for a period expiring on October 29, 1948, under the provisions of section 3 (2) of the Immigration Act of 1924. He was granted extensions of stay, the last of which expired on August 12, 1949. He had previously entered the United States at New York on October 16, 1947, in transit to Mexico, and completed his transit in about 3 weeks.

Mr. D'Osten-Sacken contends that he is stateless, having lost his Russian nationality as a result of fighting on the side of the White Russians against the Bolsheviks during the revolution in Russia in 1917. When the Bolsheviks came into power, he went to Latvia, and in 1919 was forced to flee to Poland, where he remained until 1923, when he migrated to France where he resided until 1947. He was engaged in the breeding and training of horses during this period and in connection with this occupation made business trips for short periods to other European countries. He is at present training and managing horses in the United States and apparently will continue in this work if he is permitted to remain in this country.

The alien has filed an application for adjustment of his immigration status to permanent residence under section 4 of the Displaced Persons Act of 1948, as amended. As a result of a hearing on May 15, 1951, it was determined that while he was admitted to the United States as a temporary visitor for pleasure, it was his actual purpose to remain a permanent resident of the United States. Accordingly, it was found that he did not effect a lawful entry into the United States, as required by the act, and his application was denied.

The quota for the Union of Soviet Socialist Republics, to which the alien is chargeable, is oversubscribed and an immigration visa is not readily obtainable. The record fails to present any facts which would justify granting him a preference over other aliens who also desire to obtain the benefits of residence in the United States, but who, in compliance with law, remain abroad and await their regular turns for the issuance of immigration visas.

Accordingly, this Department is unable to recommend the enactment of the measure.

Sincerely,

A. DEVITT VANECH,
Deputy Attorney General.

Congressman John C. Watts, the author of the bill, and Senator Thomas R. Underwood, the author of a companion bill, S. 1746, in the Senate, appeared before a subcommittee of the Committee on the Judiciary of the House of Representatives and submitted the following information in connection with the bill:

MEMORANDUM IN SUPPORT OF H. R. 4709 AND S. 1746 CONFERRING PERMANENT IMMIGRATION STATUS ON BARON FRED ALEXANDER D'OSTEN-SACKEN

WASHINGTON 6, D. C., August 28, 1951.

Baron Fred D'Osten is an internationally recognized expert in the thoroughbred horse-breeding profession. He wishes to become an American citizen. Widely known on the Continent for many years, Baron D'Osten's abilities have already been recognized as unique by American breeders during his stay in the United States. Numerous prominent breeders and horsemen, as the attached letters show, believe that Baron D'Osten's continued presence in the United States will greatly benefit the thoroughbred breeding industry.

All who know the Baron describe him as a gentleman. No stigma has ever attached to his name. A White Russian by birth, a fighter against bolshevism in 1919, the protector of the greatest French stud establishment from the Nazis during World War II, the Baron believes deeply in basic American ideals of

liberty and justice. His heartfelt desire is to become an American citizen; his past record shows that as such he would pose no threat to the security of the United States. To the contrary, he has consistently and actively opposed those forces which today constitute the most serious threat to our security.

Baron D'Osten was born in 1886 in what was then Czarist Latvia. He studied at various art museums in Europe, intending at the time to pursue a career as a museum curator. In 1916, Baron D'Osten entered the Russian Army fighting the Germans. After the outbreak of the Russian Revolution in 1917, Baron D'Osten joined the anti-Bolshevik forces and fought until the close of the Baltic campaign, at one time under the command of Colonel, now Field Marshall, Alexander of Britain. He received the highest White Russian decoration for his services against bolshevism.

During the period 1920-23 Baron D'Osten was engaged in training, riding, and breeding horses in Poland. As trainer of the Ostremecko racing stable and stud, he won the Warsaw Derby in 1921 with Barbara Belle.

In 1923 he went to France where he remained until 1947. He rode many races—flat, steeplechase, and hurdle—as a gentleman jockey. He owned, trained, and bred horses.

In 1940 Baron D'Osten was manager of the stables of Marcel Boussac, acknowledged the finest in France. After the Nazis overran France, Baron D'Osten succeeded in preserving Boussac's stud stock practically intact until the liberation of France in 1944-45. Toward the end of the war, he rescued the great stallion Pharis after a hazardous journey through enemy territory. After the war he trained Scratch, winner of the French Derby and the English St. Leger, and Pharsale, leading French 2-year-old of 1950.

Baron D'Osten entered the United States on August 30, 1948, as a temporary visitor. He was immediately recognized as one of the outstanding students of thoroughbred breeding lines in the world today and his experience has already been of incalculable value to the American thoroughbred industry. The accompanying magazine editorials and articles, newspaper stories and items from authoritative sources, indicate how Baron D'Osten's understanding, advice, and freely volunteered information on comparable situations here and abroad, have been of vital consequence to the leaders of the American thoroughbred industry. In addition, the attached letters of recommendation bespeak the esteem in which the baron is held by those leaders.

Baron D'Osten has been instrumental in introducing into the United States the great French stallion Ardan. Many American breeders believe that the importation of this and similar new stock from France will be instrumental in the improvement of the breed. Likewise, the importation of French breeding stock to this country has stimulated a similar movement of American stock to France. Whirlaway, for instance, is now at stud in France. The net result of the Baron's activity has thus not only been in the direction of improved breeding stock in France and the United States; it has been an impetus toward increasing and cementing friendly relations in trade and sport alike, between the two great Republics.

The baron's eligibility to become a loyal American citizen uniquely valuable to the thoroughbred industry is, we believe, clear. Baron D'Osten himself has canvassed all the usual avenues to citizenship. But in his case, his very unwillingness to remain a citizen of totalitarian Russia seems to work him a particular hardship. A private bill is the only means of relief open to him.

Baron D'Osten is legally a citizen of Czarist Russia or independent Latvia. Under either name, the land of his birth is now, of course, under Soviet domination. He entered the United States in 1948 on a temporary visitor's visa. He has no access to permanent citizenship thereby. At the time of his entry into the United States Baron D'Osten carried a French Nansen passport. The Government of France has for many years issued such passports to White Russian refugees from the First World War. During Baron D'Osten's stay in the United States this passport lapsed and the French consul in New York has refused to renew it. Baron D'Osten is not a citizen of France; the French Government issued such passports to substantially "stateless" White Russians. Thus Baron D'Osten cannot legally return to France. Further, Baron D'Osten cannot legally return to Mexico due to technicalities in the Mexican immigration law.

Baron D'Osten does not qualify as a displaced person for entry into the United States because deportation to his last place of residence—France—will not subject him to political persecution, a requisite for immigration status as a displaced person. Deportation to the land of his birth, to the land of which he is legally a citizen, would doubtless result in not only persecution but the firing

squad. But the strict requirements of the displaced persons law prevent relief by that route.

Consequently, Baron D'Osten has appealed to the Congress of the United States. Attached to this memorandum are copies of letters from various persons who have known the baron during his residence in the United States. They attest to the high esteem in which he is held. His qualifications for permanent immigration status are, in sum, his loyalty to the principles for which this country stands, and his past and predicted service to a great American industry, and as a concomitant thereto, the assurance he has of gainful employment in that service.

In view of the fact that the committee is reporting favorably on the present bill the companion bill, S. 1746, introduced in the Senate by Senator Underwood, will be indefinitely postponed.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 4709) should be enacted.

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